

Docket No. IA 1502.01A US
USSN: 09/296.202

PATENT
Art Unit: 3621

REMARKS

Claims 1-19 are pending in the present application.

This Amendment is in response to the Office Action mailed January 4, 2005. In the Office Action, the Examiner rejected claims 1-19 under 35 U.S.C. § 102(a).

Applicant has amended claims 1, 2, 5, 7, 8, 11, 12, 13, 16, and 19.

I. REJECTIONS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-19 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 5,938,730 issued to Tobita ("Tobita"). Applicant respectfully traverses the rejection for the following reasons.

Tobita discloses a software having a product code stored in a CD-ROM. A user may buy the software with use-charge of the software. The use-charge of the software is determined by the user in correspondence with an use frequency of the software before the software is used. The key code and the usable time of the software are received by the user's computer. If the usable time is over, a message of "THE USABLE TIME IS OVER" is displayed on a monitor of the user's computer. If the software is needed to be used again, then the process returns to the beginning. If not, the process is ended (Col. 4, line 7 – Col. 5, line 6). Unlike the present invention, Tobita does not disclose "adding further tracking information to a database while the medium being shipped between various entities". This aspect of the invention is supported in the specification, pages 12-13, but in the patent No. 6,453,420 it is on Col. 7, lines 5-40) and is recited in amended claims 1, 7, and 12.

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Tobita does not disclose, suggest, or render obvious adding further tracking information to a database while the medium being shipped between various entities.

To support a 102 rejection, the Examiner must show that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bro. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987), (MPEP §2131). In addition, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), (MPEP §2131). Here the Examiner has not pointed out the specific language in Tobita that teaches adding further tracking information to a database while the medium being shipped between various entities.

Applicant respectfully requests that rejection be withdrawn. Therefore, Applicant believes that Independent claims 1, 7, 12 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 102(a) be withdrawn.

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CONCLUSION

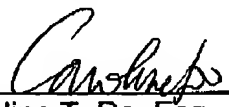
In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES

Dated: April 4, 2005



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